

RESOLUTION 2018-01

RESOLUTION OF THE RODEO-HERCULES FIRE PROTECTION DISTRICT BOARD OF DIRECTORS REQUESTING IMPLEMENTATION BY THE COUNTY OF CONTRA COSTA AND THE CITY OF HERCULES OF FIRE FACILITIES IMPACT FEES TO IMPLEMENT THEIR RESPECTIVE GENERAL PLAN GOALS, POLICIES AND OBJECTIVES FOR ASSURING ADEQUATE FIRE PROTECTION ASSOCIATED WITH NEW DEVELOPMENT

A RESOLUTION TO ADOPT THE RODEO - HERCULES FIRE PROTECTION DISTRICT FIRE FACILITIES IMPACT FEE STUDY AND FEE AMOUNTS.

WHEREAS, The Rodeo – Hercules Fire Protection District (“District”) provides Fire and Rescue Services to Approximately 25 square miles of unincorporated and incorporated Contra Costa County with an approximate service population of nearly 40,000. This service area includes the unincorporated community of Rodeo, and the City of Hercules. The District currently imposes an impact fee of \$1,029 per single-family dwelling unit, \$662 per multi-family dwelling unit, \$721, \$536 and \$306 per 1,000 square feet for office, commercial and industrial development, respectively; and

WHEREAS, As per the *Mitigation Fee Act* contained in Government Code Section 66000 *et. seq.*, cities hold the legal authority to impose fees on behalf of the District within their city limits. In unincorporated areas however, the County, rather than the District, has legal authority to impose impact fees; and

WHEREAS, in response to ongoing demands for service and the facilities needed to provide service, the Rodeo-Hercules Fire Protection District Board of Directors commissioned a “Fire Facilities Impact Fee Study” (FIFS) by Willdan Financial Services, a private financial consulting firm, dated October 4, 2017, consistent with the provisions of Government Code Section 66000 *et. seq.* including section 66001 to analyze methods to update and implement a fire facilities impact fee as authorized by Health and Safety Code section 13861(f), a portion of the Fire Protection Law of 1987, Health and Safety Code section 13800 *et seq.*, (the “Act”); and

WHEREAS, a report has been completed by Willdan Financial Services entitled “Fire Facilities Impact Fee Study,” a copy of which is attached as Exhibit “A” to this Resolution, setting forth methods to update and implement a fire facilities fee that would include both the County and the City and making findings, which are consistent with provisions of Government Code Section 66000 *et. seq.* concerning the need, implementation, and use of such a fee by the District: and

WHEREAS, at a duly noticed regular meeting of the Board of Directors, the District Board accepted and adopted the Willdan Financial Services report entitled “Fire Facilities Impact Fee Study,” dated October 4, 2017; and

WHEREAS, Government Code Section 66000 *et. seq.* (CGC 66000) requires local government to document the necessary five findings: Purpose of Fee, Use of Revenues, Benefit Relationship, Burden Relationship, and Proportionality; and

WHEREAS, the 2017 FIFS supports the need for mitigation fees in the amount of \$1,729 per Residential unit, \$1,060 per Multi-family Residential unit, \$0.87/ft. Commercial, \$1.18/ft. Office, \$0.50/ft. Industrial for new enclosed/habitable construction including miscellaneous buildings and garages; and

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WHEREAS, as the County (consistent with its General Plan) and the City (consistent with its General Plan) have adopted Developer Fee Ordinances to assure adequate fire protection for new development, it is in the best interest of the District to request the County and the City to update those ordinances through the adoption of the Fire Facilities Impact Fee as described in the attached report.

NOW, THEREFORE, the Board of Directors of the Rodeo - Hercules Fire Protection District do hereby declare, find, resolve, approve, and adopt the 2017 FIFS and the Board of Directors establishes the Impact Fee for new development in the Rodeo - Hercules Fire Protection District, as follows

1. That there is a present and ongoing need to maintain and enhance the District's level of fire protection services and facilities within the District occasioned by existing and new development; and
2. That an Impact Fee equal to \$1,729 per Residential unit, \$1,060 per Multi-family Residential unit, \$0.87/ft. Commercial, \$1.18/ft. Office, \$0.50/ft. Industrial for new enclosed/habitable construction including miscellaneous buildings and garages, and \$92.00 per hotel/motel room, effective 60 days from the signed date of this resolution; and
3. That annually as part of the budget process, the Fire Chief shall review the estimated cost of the described capital improvements, the need for those improvements, and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which the Fire Facilities Impact Fee is charged; and
4. That the Fire Facilities Impact Fee will have an automatic annual adjustment based on the "construction cost index" or the "consumer price index," whichever is higher, to keep up with the cost of inflation on the cost of the capital projects, but not less than the fees stated in the 2017 Engineer's Report.

APPROVED AND ADOPTED by the Board of Directors of the Rodeo – Hercules Fire Protection District held on January 11, 2018 by the following vote:

AYES: 3
NOES: 0
ABSENT: 2
ABSTAIN: 0



Earnest Wheeler
Chairman of the Board
Rodeo – Hercules Fire Protection District